

PCT

NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU
Rec'd PCT/PTO 22 SEP 2005

#7

To:

10/527589

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ALLEMAGNE

in nat. Akten u. an HL-Kollegen
WG: Kopie

Date of mailing (day/month/year) 12 May 2005 (12.05.2005)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference T 1030183 WO	
International application No. PCT/EP2003/010320	International filing date (day/month/year) 17 September 2003 (17.09.2003)
Applicant J.RETTENMAIER & SÖHNE GMBH + CO. KG et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, GH, KG, KP, KR, MK, MZ, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

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3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer Ellen Moyse
Facsimile No.+41 22 740 14 35	Facsimile No.+41 22 338 89 75

Translation

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SEP 2005

PCT/EP2003/010320

PATENT COOPERATION TREATY



PCT 10/527589

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference T 1030183 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/010320	International filing date (day/month/year) 17 September 2003 (17.09.2003)	Priority date (day/month/year) 18 September 2002 (18.09.2002)
International Patent Classification (IPC) or national classification and IPC A23K 1/16		
Applicant J.RETTENMAIER & SÖHNE GMBH + CO. KG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of <u>4</u> sheets.
3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 15 April 2004 (15.04.2004)	Date of completion of this report 29 December 2004 (29.12.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/010320

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages 1, 2, 5-9, as originally filed
pages _____, filed with the demand
pages 3, 3a, 4, filed with the letter of 24 August 2004 (24.08.2004)
- ☒ the claims:
pages _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages 1-6, filed with the letter of 24 August 2004 (24.08.2004)
- ☒ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/EP 03/10320

I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

The range "500-800%" is given in claim 2. However, in the original description this range is disclosed only in the context of a particular lignocellulose, namely ARBOCEL lignocellulose. The generalisation of said range to cover every conceivable lignocellulose goes beyond the disclosure of the original application.

The second paragraph on page 3 ("lignocellulose is not a cellulose"), likewise, goes beyond the originally filed version. The properties of lignocellulose cited therein were not originally disclosed. However, reference can be made to the disclosure of said paragraph for the purpose of assessing novelty and inventive step.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-6	YES
	Claims		NO
Inventive step (IS)	Claims	1-6	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-6	YES
	Claims		NO

2. Citations and explanations

1. D1: EP-A-0 819 787 (HOCEPRO GMBH)
21 January 1998 (1998-01-21)
- D2: PATENT ABSTRACTS OF JAPAN, vol. 010, no. 296
(C-377), 8 October 1986 (1986-10-08)
& JP 61 113601 A (AJINOMOTO CO INC; OTHERS: 01)
31 May 1986 (1986-05-31)
- D3: H. KIKUCHI ET AL.: "Correlation between
water-holding capacity of different types of
cellulose in vitro and gastrointestinal
retention time in vivo of rats", JOURNAL OF THE
SCIENCE OF FOOD AND AGRICULTURE, vol. 60, no. 2,
1992, pages 139-146, XP002267885,
ELSEVIER APPLIED SCIENCE PUBLISHERS, BARKING,
GB, ISSN: 0022-5142
- D4: PATENT ABSTRACTS OF JAPAN, vol. 011, no. 115
(C-415), 10 April 1987 (1987-04-10)
& JP 61 260841 A (DAICEL CHEM IND LTD)
19 November 1986 (1986-11-19)
- D5: WO 02/39827 A (BACKERS THOMAS; RETTENMAIER &
SOEHNE GMBH & CO (DE))
23 May 2002 (2002-05-23).

/...

2. Documents D1 to D5 disclose compositions containing cellulose fibres. The applicant has shown in a convincing manner that the lignocellulose fibres defined in claim 1 differ from fibres of pure cellulose since ligneous properties are retained in lignocellulose fibres. Therefore, claim 1 and its dependent claims satisfy the requirement for novelty (PCT Article 33(2)).
3. The present application addresses the problem of devising a feed additive which, in pregnant livestock, can be rapidly absorbed with no negative side effects whilst preventing an undesired accumulation of fat or impaired birthing performance. The closest prior art is considered to be a feed additive containing filaments of cellulose, for example as disclosed in D1 or D5. By contrast therewith, microfibrillated lignocellulose is used in the present application, said lignocellulose being distinguished from cellulose filaments by the presence of other ligneous components. For a person skilled in the art, it could not be readily derived from the prior art that lignocellulose, a "less pure" material than pure cellulose, can likewise be used as a feed additive with no disadvantageous effects.